

Applicants: Bett, Andrew J. et al.

Serial No. 10/645,794

Filed: August 21, 2003

For: METHODS FOR PROPAGATING ADENOVIRUS AND  
VIRUS PRODUCED THEREBYArt Unit: 1648Examiner: Brown, T. M.Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

04/04/2006 SFELEKE1 00000092 132755 10645794

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**MERCK & CO., INC.**By Date March 31, 2006

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☒ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

  
By: Anna L. Cocuzzo

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 42,452

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-1273

Date: March 31, 2006

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Attached please find a Supplemental Information Disclosure Statement.

In summary, Applicants maintain all claims are in condition for allowance and earnestly solicit a favorable action on the merits.

Respectfully submitted,

By  \_\_\_\_\_

Anna L. Cocuzzo

Reg. No. 42,452

Attorney for Applicant

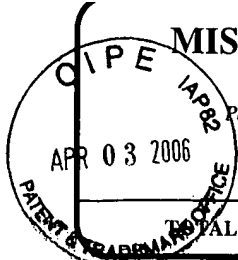
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(732) 594-1273

Date: March 31, 2006



## MISC. FEE TRANSMITTAL

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/645,794
Filing Date	August 21, 2003
First Named Inventor	Bett, Andrew J. et al.
Examiner Name	Brown, T. M.
Group Art Unit	1648
Attorney Docket Number	20699Y

TOTAL AMOUNT OF PAYMENT

\$180

## METHOD OF PAYMENT

☒ Deposit Account

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Deposit Account Name Merck &amp; Co., Inc.

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## FEE CALCULATION

## FEES

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Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	
1051	130	Non-English Specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1402	500	Filing a brief in support of an appeal	
1452	500	Petition to revive - unavoidable	
1453	1,500	Petition to revive - unintentional	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	180
1809	790	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	For each additional invention to be examined (37 CFR 1.129(b))	
1840	130	Statutory Terminal Disclaimer under 37 CFR 1.321	
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## Complete (if applicable)

Typed or Printed Name Anna L. Cocuzzo

Reg. Number 42,452

Signature

Date 03/31/2006

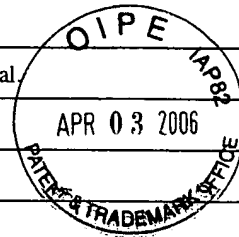
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## STATEMENT BY APPLICANT

<b>Application Number</b>	10/645,794
<b>Filing Date</b>	August 21, 2003
<b>First Named Inventor</b>	Bett, Andrew J. et al.
Group Art Unit	
Examiner Name	
<b>Attorney Docket Number</b>	20699Y



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Attorney Docket Number	20699Y
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Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		WO	2004/018627		Merck & Co., Inc.	03/04/2004
		WO	02/40665		Crucell Holland B.V.	05/23/2002
		WO	02/22080		Merck & Co., Inc.	03/21/2002
		WO	01/02607		Merck & Co., Inc.	01/11/2001

Date  
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## STATEMENT BY APPLICANT

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Sheet	2	of	5	Application Number	10/645,794
				Filing Date	August 21, 2003
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				Group Art Unit	
				Examiner Name	
				Attorney Docket Number	20699Y

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Allard, A. et al. "Rapid Typing of Human Adenoviruses by a General PCR Combined with Restriction Endonuclease Analysis", Journal of Clinical Microbiology, 2001, Vol. 39, pp. 498-505
		Amara, R. et al. "Critical Role for Env as well as Gag-Pol in Control of a Simian-Human Immunodeficiency Virus 89.6P Challenge by a DNA Prime/Recombinant Modified Vaccinia Virus Ankara Vaccine", Journal of Virology, 2002, Vol. 76, pp. 6138-6146
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		Bell, S. et al. "Adenoviruses Isolated From Saudi Arabia Six New Serotypes", American Journal of Tropical Medicine and Hygiene, 1960, Vol. 9, pp. 523-526
		Brody, S. et al. "Adenovirus-Mediated <i>in Vivo</i> Gene Transfer", Annals of the New York Academy of Sciences, 1994, Vol. 716, pp. 90-101
		Chen, M. et al. "Replication of an Adenovirus Type 34 Mutant DNA Containing Tandem Reiterations of the Inverted Terminal Repeat", Virology, 1990, Vol. 179, pp. 567-575
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		Hitt, M. et al. "Human Adenovirus Vectors for Gene Transfer into Mammalian Cells", Advances in Pharmacology, 1997, Vol. 40, pp. 137-206
		Horne, R. et al. "The Icosahedral Form of an Adenovirus", Journal of Molecular Biology, 1959, Vol. 1, pp. 84-86
		Hosmalin, A. et al. "An epitope in human immunodeficiency virus 1 reverse transcriptase recognized by both mouse and human cytotoxic T lymphocytes", Proc. Natl. Acad. Sci. USA, 1990, Vol. 87, pp. 2344-2348

Examiner  
SignatureDate  
Considered

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Sheet	3	of	5	Application Number	10/645,794
				Filing Date	August 21, 2003
				First Named Inventor	Bett, Andrew J. et al.
				Group Art Unit	
				Examiner Name	
				Attorney Docket Number	20699Y

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Kidd, A. et al. "Human and Simian Adenoviruses: Phylogenetic Inferences from Analysis of VA RNA Genes", Virology, 1995, Vol. 207, pp. 32-45
		Ma, Y. et al. "Structure, Function, and Evolution of Adenovirus-Associated RNA: a Phylogenetic Approach", Journal of Virology, 1996, Vol. 70, pp. 5083-5099
		Mei, Y. et al. "Highly Heterogeneous Fiber Genes in the Two Closely Related Adenovirus Genome Types Ad35p and Ad34a", Virology, 1995, Vol. 206, pp. 686-689
		Messmer, D. et al. "Endogenously Expressed <i>nef</i> Uncouples Cytokine and Chemokine Production from Membrane Phenotypic Maturation in Dendritic Cells", The Journal of Immunology, 2002, Vol. 169, pp. 4172-4182
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		Mizuguchi, H. et al. "Approaches for generating recombinant adenovirus vectors", Advanced Drug Delivery Reviews, 2001, Vol. 52, pp. 165-176
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		Patterson, L. et al. "Potent, Persistent Cellular Immune Responses Elicited by Sequential Immunization of Rhesus Macaques with Ad5 Host Range Mutant Recombinants Encoding SIV Rev and SIV Nef", DNA and Cell Biology, 2002, Vol. 21, pp. 627-635
		Pereira, H. et al. "A Short Description of the Adenovirus Group", Virology, 1963, Vol. 20, pp. 613-620
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		Wadell, G. "Molecular Epidemiology of Human Adenoviruses", Current Topics in Microbiology and Immunology, 1984, Vol. 110, pp. 191-220
		Walker, B. et al. "HIV-1 Reverse Transcriptase Is a Target for Cytotoxic T Lymphocytes in Infected Individuals", Science, 1988, Vol. 240, pp. 64-66
		Zhou, H. et al. "Development of a Complementing Cell Line and a System for Construction of Adenovirus Vectors with E1 and E2a Deleted", Journal of Virology, 1996, Vol. 70, pp. 7030-7038
		ATTC No. VR-716

Examiner Signature		Date Considered	
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet	4	of	5	Application Number	10/645,794
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				Examiner Name	
				Attorney Docket Number	20699Y

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		ATCC No. VR-1102AS/RB
		ATCC No. VR-1102PI/RB
		ATCC No. VR-259
		GenBank Accession No. AB023553, December 11, 1999
		GenBank Accession No. U52544, May 19, 1996
		GenBank Accession No. AF108105, March 15, 1999
		GenBank Accession No. U52571, May 19, 1996
		GenBank Accession No. U10271, May 12, 1995
		GenBank Accession No. AB052911, December 26, 2000
		GenBank Accession No. AB018426, December 11, 1999
		GenBank Accession No. AF161573, February 13, 2001
		GenBank Accession No. AJ272610, January 5, 2001
		GenBank Accession No. AJ250786, January 6, 2001
		GenBank Accession No. AB073168, February 13, 2004
		GenBank Accession No. U10677, March 29, 1995

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**INFORMATION DISCLOSURE****STATEMENT BY APPLICANT***(use as many sheets as necessary)***Application Number**

10/645,794

**Filing Date**

August 21, 2003

**First Named Inventor**

Bett, Andrew J. et al.

**Group Art Unit****Examiner Name****Sheet**

5

of

5

**Attorney Docket Number**

20699Y

**NON PATENT LITERATURE DOCUMENTS****Examiner  
Initials\*****Cite  
No.**

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

GenBank Accession No. M62712, April 28, 1993

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